

**UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT**

MARTIN AKERMAN,)	
)	
Appellant,)	
)	
v.)	Case No. 23-5309
)	
MERIT SYSTEMS PROTECTION BOARD, et al.)	
)	
Appellees.)	

EMERGENCY MOTION TO EXPEDITE IFP DETERMINATION

OR, IN THE ALTERNATIVE,

TO TRANSFER TO THE DISTRICT OF NEVADA

COMES NOW Appellant Martin Akerman, proceeding pro se, and respectfully moves this Court for the following emergency relief:

- Immediate adjudication of his pending motion to proceed in forma pauperis (“IFP”) on appeal, originally filed on February 28, 2025, pursuant to the Court’s February 6, 2025 Order;
- or In the alternative, transfer of this appeal to the U.S. District Court for the District of Nevada, pursuant to 28 U.S.C. § 1404(a), in the interests of justice and judicial economy.

I. BACKGROUND

This appeal arises from a FOIA case filed in the District of Columbia (1:23-cv-02574), which seeks records from the Merit Systems Protection Board (MSPB), Office of Special Counsel, Department of Labor, and other agencies. These records are material to Appellant's whistleblower retaliation claims and are also relevant to the recent litigation involving former MSPB Chair Cathy A. Harris.

Following this Court's February 6, 2025 Order (denying a prior transfer motion and instructing Appellant to file an IFP application), Appellant submitted a timely IFP motion on February 28, 2025, which remains undecided.

Since that time, Appellant has also:

Submitted a petition for a writ of certiorari to the Supreme Court (Appendix A), which has not yet been docketed but addresses overlapping FOIA and due process issues;

Identified substantial factual overlap between the withheld records in this appeal and the equitable reinstatement proceedings in *Harris v. Bessent* (Nos. 25-5037 & 25-5057), where Ms. Harris seeks to undo her removal under 5 U.S.C. § 1202(d). Her March 2025 stay pleading is attached as Appendix B.

II. RELIEF REQUESTED

A. Expedite the IFP Ruling

Appellant faces imminent prejudice if this appeal is dismissed for failure to pay the filing fee while awaiting a ruling on his pending IFP motion (D.D.C. ECF No. 20). A prompt ruling is necessary to preserve jurisdiction and prevent further delays in the release of time-sensitive records directly affecting ongoing matters in both the federal judiciary and the executive branch.

B. Alternatively, Transfer to the District of Nevada

If the Court declines to act promptly on the IFP motion, Appellant respectfully requests transfer of this appeal to the U.S. District Court for the District of Nevada under 28 U.S.C. § 1404(a). That forum is already adjudicating related claims arising from Appellant's tenure and removal, and is the locus of many of the events giving rise to the FOIA requests. Transfer would promote judicial efficiency, consolidate discovery and evidentiary issues, and permit full resolution of the controversy in a single forum.

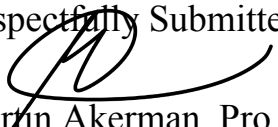
III. CONCLUSION

For the foregoing reasons, Appellant respectfully requests that this Court either:

1. Expedite ruling on his pending motion to proceed in forma pauperis; or
2. Transfer this appeal to the U.S. District Court for the District of Nevada; and
3. Accept the attached Appendices A and B as part of the record, demonstrating the ongoing constitutional relevance of the FOIA request at issue in this appeal.

Dated: March 28, 2025

Respectfully Submitted,



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CERTIFICATE OF COMPLIANCE

This document complies with the type-volume limitation of Federal Rule of Appellate Procedure 27(d)(2)(A) because, excluding the parts exempted by Rule 32(f), it contains 489 words.

This document complies with the typeface and type-style requirements of Federal Rules of Appellate Procedure 32(a)(5) and 32(a)(6) because it has been prepared in a proportionally spaced typeface in 14-point Times New Roman font using Microsoft Word.

Dated: March 28, 2025



Martin Akerman, Pro Se

CERTIFICATE OF SERVICE

I hereby certify that on March 28, 2025, I electronically filed the foregoing Notice of Intent to File Amicus Brief with the Clerk of Court using the Court's CM/ECF system, which will send a notice of docketing activity to all parties who are registered through CM/ECF.

Dated: March 28, 2025

A handwritten signature in black ink, appearing to be 'Martin Akerman', with a large, stylized initial 'M' and a long, sweeping horizontal stroke extending to the right.

Martin Akerman, Pro Se